



"When You're Going Somewhere"

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Docket Management System
U. S. Department of Transportation
400 Seventh Street, SW
Nassif Building, Room PL-401
Washington, D.C. 20590

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DEPT. OF TRANSPORTATION
DOCS

Re: Proposed Rule Making 49 CFR Parts 27, 37 and 38

Dear Sir or Madam:

Thank you for the opportunity to submit comments on the proposed rule making for 49 CFR Parts 27, 37 and 38—Transportation for Individuals with Disabilities. While we appreciate the spirit in which this rule making is proposed, we have a number of critical concerns regarding the practicality and impact of the proposed changes.

The term "Reasonable Modification" is Arbitrary and Capricious--First and foremost, the concept of "reasonable" modification is entirely arbitrary and capricious. What is considered reasonable to one person may be entirely unreasonable to another person. Because of the opportunity for vastly different interpretations of "reasonable", we foresee the potential for significant, costly litigation to define this term.

Modification Impairs Quality of Service in Fixed Route--From an operational standpoint, these proposed rules create countless challenges. To provide our customers with consistent, high-quality service, we need to have clarity in communications with our coach operators. Requiring coach operators to make "reasonable" accommodation at fixed route bus stops destroys this clarity. Again, what one coach operator considers to be reasonable, may not be considered reasonable by another coach operator. This will lead to confusion with both our staff and our customers and could compromise the safety of both our staff and customers.

Modification Increases Cost for Paratransit--In terms of ADA Paratransit, we again see the term "reasonable" modification to be virtually impossible to implement and incredibly costly. The current concept of "curb-to-curb" service is clear from an operational standpoint and to the users of paratransit services. Further modifying this service will increase costs and create confusion. In the Sacramento Region vehicles can not be left unattended. Parking opportunities often do not exist and, if a shared ride is provided, a customer on board a vehicle can not be left while the driver leaves the vehicle to locate a second customer. If a vehicle is left with the motor running to provide climate control, the vehicle could be stolen before the driver returns. If the

vehicle is not left running while the driver leaves the vehicle, the customers on board the vehicle could be subject to unreasonable heat or cold.

Providing modification as proposed in the rule marking will result in increases in staffing as two staff members will often be required to complete the task that one person currently performs. Trip times will undoubtedly be increased as these accommodations will take longer to address. Ultimately, fixed route services will have to be reduced or eliminated to address this increased paratransit burden, which already is significant.

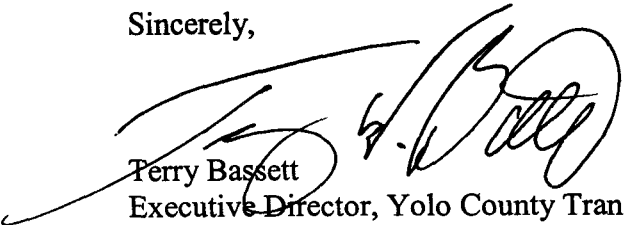
Undue Burden on the Transit Agency Head—The proposed rules require the head of a transit authority to make a written determination that reasonable modification creates undue burden or fundamental alteration. This requirement in and of itself creates an undue burden. Because of the arbitrary definition of “reasonable”, we foresee that this will become a full-time task for the head of transit authorities. We do not believe that this is a reasonable requirement nor is it a reasonable use of this persons time.

Disability Law Coordinating Council Must Be Transparent—We appreciate the need to ensure coordination within the Department of Transportation as it reviews disability-related matters. To be effective, the member of this group must be clearly identified and their work must be open for review and input as they consider issues.

Again, we appreciate the spirit in which these changes are proposed. However, if implemented as described, we believe that the results will be: significant litigation; degradation of service quality; and a reduction in transit service levels due to increased costs. We urge you to reconsider these changes.

Thank you for your consideration. If we can provide additional information regarding our comments, please do not hesitate to contact me at (530) 661-0816 extension 12 or Jim Brown of the Sacramento Area Council of Governments (SACOG) staff at (916) 340-6221.

Sincerely,



Perry Bassett

Executive Director, Yolo County Transportation District (YCTD)
Chair, SACOG Transit Coordinating Committee

cc: Mike McKeever, Executive Director, SACOG
SACOG Region Transit Operators
American Public Transportation Association